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Our Case No. 659/793

K-C Ref. No. 16071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael A. Schmidt et al.

Serial No. 10/027,467

Filing Date: December 20, 2001

For AUTO SHEET THREADING AND
CUTTING DEVICE AND METHOD

)
)
) Examiner Ghassem Alie

)
) Group Art Unit No. 3724

REPLY TO EXAMINER'S ANSWER

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is in response to the Examiner's Answer dated March 24, 2006.

Application Serial No. 10/027,467
Client/Matter No. 659-793

I. ARGUMENT

A. Claims 14-16, 20, and 22 are not obvious under 35 U.S.C. §103 over Sankaran (U.S. Patent No. 6,082,659) in view of Campbell (U.S. Patent No. 5,024,128).

Claims 14-16, 20 and 22 are not obvious in view of Sankaran and Campbell because neither reference, alone or in combination, discloses or suggests a sheet of material passing between a retracted position and an extended position and being diverted away from a processing apparatus by passing between nip rolls. Moreover, it would not have been obvious, in view of Campbell, to modify the high-speed aluminum strip coiler disclosed in Sankaran to include a pair of nip rolls. For these reasons, Appellants request that the Examiner's rejection be reversed.

Neither Sankaran nor Campbell teaches or suggests a sheet of material that is diverted away from a processing apparatus. Appellants' specification describes a "processing apparatus" as, for example, a roll winder, a slitting machine, an embosser, a heat or chemical treater, a folder, a laminator, a slitting machine. (p. 7, l. 12-14). The processing apparatus is not, for example, one portion of a larger machine. The fact that a reference may teach that a sheet may be diverted away from one portion of an apparatus to a different portion of that same apparatus does not satisfy the recitations of the instant claims.

The Examiner states that mandrel 2 of Sankaran is a "roll winder" as disclosed in Applicants specification. (Examiner's Answer, p. 7) Applicants disagree. Mandrel 2 is one portion of a coiler, functioning on the same frame 6 with many different pieces of the same apparatus. Alone, mandrel 2 cannot be called a roll winder. Alone mandrel 2 is just that, a mandrel. The apparatus effectuates the end product, not the individual pieces. Therefore, the Examiner's arguments with respect to Sankaran must fail.

B. Claims 17 and 18 are not obvious under 35 U.S.C. § 103 over Sankaran in view of Campbell, and further in view of Lotto et al. (U.S. Patent No. 5,588,644).

As noted above with respect to claims 14-16, 20, and 22, Sankaran and Campbell, alone or in combination, do not disclose, teach or suggest the diversion of a sheet of

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material away from a processing apparatus. Lotto does not make up for the deficiencies of Sankaran and Campbell. The nip rolls 34a and 34b of Lotto are upstream of the processing apparatus, which is an overlapping machine and/or winder. The sheet of material that passes between the nip rolls is ultimately delivered to a winder that produces a roll of overlapped sheets (col. 1, l. 19-46). Thus, the nip rolls of Lotto actually direct the sheet toward the processing apparatus rather than diverting the sheet away from the processing apparatus. Therefore, it would not have been obvious to combine Lotto with Sankaran and Campbell.

Claims 17 and 18 recite that a sheet of material be broken by the stress applied to the sheet by the rotation of the nip rolls at a faster speed than the speed of the sheet passing between the nip rolls. Sankaran is directed to a method of winding aluminum or other metal. It would not have been obvious to one of skill in the art to try to break the aluminum sheet by applying tension from nip rolls moving at a speed faster than the sheet of metal passing between the nip rolls. In fact, Sankaran teaches a machine that moves a metal strip at speeds greater than 1,200 feet per minute, and preferably greater than 3,600 feet per minute. (col. 1, l. 43-47). One of skill in the art would not have been motivated to combine a machine which moves material at such speeds with a machine for the winding and cutting of paper or plastic. Because the combination of Sankaran, Campbell and Lotto does not teach or suggest each and every element of the claimed invention and because it would not have been obvious to combine Sankaran with Campbell and Lotto, Appellants request that the Examiner's rejection be reversed.

C. Claims 19 and 21 are not obvious under 35 U.S.C. § 103 over Sankaran, Campbell, and further in view of Dambroth (U.S. Patent No. 3,817,467).

As noted above with respect to claims 14-16, 20, and 22, Sankaran and Campbell, alone or in combination, do not disclose, teach or suggest the diversion of a sheet of material away from a processing apparatus. Dambroth does not disclose, teach or suggest the claimed feature. Dambroth discloses a winding device for continuously moving webs of textile material onto a plurality of winding spools. As discussed above, it would not have been obvious to one of skill in the art to combine the features of a machine


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that winds a fibrous web with one that is designed to wind a metal sheet. Moreover, the tensioning mechanisms, such as air jets and nip rolls, cannot be fairly expected to work as effectively on a metal strip as they might on a web of paper or plastic. Therefore, it would not have been obvious to one of skill in the art to combine the references cited herein. Therefore, Applicants respectfully request that the Examiner's rejection be reversed.

II. CONCLUSION

The cited references, either alone or in combination with the Examiner's assertions, do not provide a valid basis for a prima facie obviousness rejection of the present claims. Accordingly, Appellants submit that the present invention is fully patentable over Sankaran, Campbell, Lotto, and Dambroth and the Examiner's rejections should be REVERSED.

Respectfully submitted,


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Serial No. 10/027,467
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Client/Matter No.: 659/793 (KC 16071)

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BRINKS HOFER GILSON & LIONE

By: Amanda M. Miller, Reg. No. 52,469

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